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AUG 19 2003

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600

In re Application of  
Eddie L. Willis  
Application No. 09/644,169  
Filed: August 23, 2000  
For: FLOORING SYSTEM FOR A VEHICLE

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

This is a decision on the applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO), on June 30, 2003. There is no fee for this petition.

The petition is **GRANTED**.

A review of the file record indicates that the application was held abandoned because of the improper Request for Continued Examination (RCE) filed February 19, 2003.

Applicant's petition submits an argument that the RCE of February 19, 2003 even though it was held improper, should have had its amendment entered and the application forwarded to the examiner for action since prosecution in the application had not yet been closed, MPEP 706.07(h).

A further review of the file reveals that the application was not under final rejection at the time the RCE was filed. The amendment thus should have been entered as per MPEP 706.07(h) and the holding of abandonment by the examiner was improper.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the holding of abandonment, restore the application to pending status and enter the amendment filed with the RCE before forwarding to the examiner for treatment on the merits.

  
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SM: 8/12/03